IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO : 17927 of 2005

Between:

Everest Lodge Rep.by its Manager G.Nagi Reddy
R/o.D.No.12-27-152, Seelamvari Street Kothapet
Guntur.

..... PETITIONER

AND

1 The Commissioner
Municipal Corporation Guntur
Guntur District.
2 The Municipal Health Officer
Municipal Corporation Guntur
Guntur District.

.....RESPONDENTS

ORDER:

This writ petition has been filed seeking writ of Mandamus declaring the notice dated 06.08.2005 issued by the 2nd respondent as illegal and arbitrary.

The case of the petitioner is that he is running a lodge under the name and style of Everest Lodge, after obtaining licence from the Municipal Corporation and the lodge was always kept in clean and hygienic conditions. The second respondent issued impugned notice dated 06.08.2005 without any inspection and enquiry stating that the petitioner has been running the lodge without licence for the year 2005-2006 and directed the petitioner to discontinue the said business. Aggrieved by the said impugned notice the petitioner filed this writ petition.

Heard learned counsel for the petitioner and learned counsel for respondents.

Having gone through the impugned notice, it is find that the respondents' corporation inspected the petitioner's lodge premises, but there is no mention about the date of inspection. There are certain defects alleged to have been committed by the petitioner were noted in the impugned notice. Admittedly, no prior notice was issued before the impugned notice directing the petitioner, calling for his explanation

regarding the defects pointed out in the impugned notice. The respondent corporation ought to have call for the explanation from the petitioner with regard to the defects pointed out in the impugned notice before taking drastic steps against him.

Having regard to the facts and circumstances of the case I deem it appropriate to dispose of the writ petition directing the petitioner to submit his explanation on the defects pointed out by the respondent corporation in the impugned notice within a period of one week from the date of receipt of a copy of this order and it is for the respondent corporation to consider the same and pass appropriate orders there on within a period of two weeks from the date of receipt of explanation from the petitioner, in accordance with law. Till such time the petitioner may go on with his business as usual.

With the above directions the writ petition is disposed of at the stage of admission.

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12-08-2005

Note: cc in two days

B/o kvrm